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LETTER DATED 20 AUGUST 1996 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF GUINEA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the text of the Declaration on Jammu and Kashmir, adopted by the Ministerial Meeting of the Contact Group of the Organization of the Islamic Conference (OIC) on Jammu and Kashmir, held at Islamabad on 13 August 1996, and the memorandum presented to the Ministerial Meeting on the same day by the true representatives of the Kashmiri people.

I would appreciate it if you could have the text of the Declaration of the OIC Contact Group on Jammu and Kashmir and the memorandum of the true representatives of the Kashmiri people circulated as a document of the Security Council.

(Signed) Elhadj ABOUBACAR DIONE
Chargé d'affaires a.i.

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Annex I

Report of the Ministerial Meeting of the Contact Group of the Organization of the Islamic Conference on Jammu and Kashmir, held at Islamabad on 13 August 1996

A Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir was held at Islamabad, Islamic Republic of Pakistan on 13 August 1996.

The Meeting was opened by Her Excellency Mohtarma Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.

The Prime Minister of the Republic of Turkey, His Excellency Mr. Necmettin Erbakan, also addressed the Meeting.

The Chairman of the Contact Group, His Excellency Mr. Lamine Camara, Minister for Foreign Affairs of the Republic of Guinea, addressed the Meeting.

The Secretary-General of the Organization of the Islamic Conference, His Excellency Dr. Hamid Algabid, addressed the Meeting.

The Foreign Ministers and representatives of the Niger, Pakistan, Saudi Arabia and turkey attended the Meeting.

The true representatives of the Kashmiri people, who were invited to the Meeting, addressed the Contact Group and handed over a memorandum on the "Jammu and Kashmir dispute".

The Contact Group adopted a Declaration on the Jammu and Kashmir dispute which is appended herewith.

Appendix

Declaration on Jammu and Kashmir adopted by the Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, Islamabad, 13 August 1996

The Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, held at Islamabad on 13 August 1996,

Reaffirming all OIC Summit and Ministerial resolutions on the Jammu and Kashmir dispute as well as the Special Declaration adopted by the seventh Islamic Summit at Casablanca,

Having reviewed the deteriorating situation in occupied Kashmir and its implications for regional peace and security,

Concerned about the staging of fraudulent elections for the Lok Sabha in occupied Kashmir, an outrage that was exposed and denounced by international media and human rights organizations,

Deeply concerned about the announcement by the Indian Government of its intention to hold State Assembly elections in occupied Kashmir in September 1996 and noting that the All Parties Hurrieyet Conference has in its capacity as the true representatives of the Kashmiri people rejected the holding of sham elections and the imposition under duress of the so-called political process in Kashmir,

Deeply alarmed by the subsequent sharp intensification of Indian repression of the Kashmiri people, especially the induction of additional troops, the use of renegades and mercenaries, armed, financed and trained by India to terrorize and intimidate the Kashmiri people and their true representatives,

Taking note of the strong condemnation by Pakistan and the true representatives of the Kashmiri people, including the leadership of the All Parties Hurriyat Conference, of the deplorable act of hostage-taking by "Al Faran",

Noting the memorandum submitted by the true representatives of Jammu and Kashmir, which inter alia, asserts that the people of Jammu and Kashmir will not accept the imposition of a fraudulent political process in Kashmir and that the so-called political process or elections could not be a substitute for a plebiscite, as affirmed in Security Council resolutions 91 (1951) and 122 (1957),

Convinced that the holding of fraudulent elections would further exacerbate the sufferings of the Kashmiri people and would seriously detract from efforts to seek a just and peaceful solution to the Jammu and Kashmir dispute,

Welcoming the offer of the Prime Minister of Pakistan to have a substantive and meaningful dialogue with India with a view to finding a peaceful solution to the Jammu and Kashmir dispute,

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Regretting that the Government of India has vitiated the atmosphere for the commencement of a meaningful dialogue with Pakistan for seeking a peaceful solution to the Kashmir dispute,

Recalling the relevant United Nations resolutions on Jammu and Kashmir which remain unimplemented,

Reaffirming its solidarity with the suffering people of Kashmir,

1. Reaffirms the right of the people of Jammu and Kashmir to self-determination in accordance with the relevant United Nations resolutions;

2. Calls for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant United Nations resolutions and as agreed upon in the Simia Agreement;

3. Rejects India's efforts to maintain its illegal occupation of Kashmir through the holding of sham elections and by initiating a fraudulent political process;

4. Reaffirms that any political process/elections held under foreign occupation cannot be a substitute for the exercise of the right of self-determination of the people of Kashmir as is provided in the relevant Security Council resolutions;

5. Condemns the continued massive violations of human rights of the Kashmiri people and calls for respect of human rights;

6. Appeals for the immediate and safe release of all the hostages by the "Al Faran";

7. Calls upon the Government of India to respect the human rights of the Kashmiri people, rescind forthwith all repressive measures and endeavour to improve the situation in Kashmir;

8. Endorses the ongoing efforts of the Government of Pakistan to seek a peaceful solution to the Kashmir issue through all possible means, including substantive bilateral talks with India;

9. Decides that the Contact Group will meet at the United Nations in September 1996 to review the developments in Kashmir and to make recommendations to the meeting of the OIC Foreign Ministers;

10. Recommends that the OIC annual coordination meeting of Foreign Ministers in New York review the situation in Jammu and Kashmir with a view to adopting further appropriate measures;

11. Requests the Chairman to transmit this Declaration to the President of the Security Council and the United Nations Secretary-General for circulation as an official document of the Security Council, under the item "Indo-Pakistan question", and affirms that this item be retained on the agenda of the Security

Council and calls for swift implementation of United Nations resolutions on Jammu and Kashmir;

12. Requests the Secretary-General to bring the contents of the Declaration to the attention of the Government of India, all OIC member States, and to take other appropriate steps for its widest possible dissemination.

Annex II

Memorandum presented by the true representatives of the Kashmiri people to the Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, held at Islamabad on 13 August 1996

The Kashmir representatives,

Recalling the relevant resolutions of the United Nations Security Council upholding the right to self-determination of the people of Jammu and Kashmir,

Condemn the serious crimes and inhuman atrocities of genocide, massacres, extrajudicial killings, reprisal killings, arbitrary detention, torture, use of rape as an instrument of suppression, burning of houses, villages and townships, and destruction and desecration of holy places, committed by the Indian Government, through its military and paramilitary personnel, renegades and mercenaries, in Jammu and Kashmir during the last seven years;

Affirm that, despite the concentration of nearly 700,000 Indian troops in Jammu and Kashmir, massive repression of unarmed civilians, including women and children, and destruction of the economic means for productive employment, the Indian Government has failed to crush the will of the people of Jammu and Kashmir;

Affirm their rejection of the efforts by India to institute the so-called "political process" in Kashmir the sole purpose of which is to deny the Kashmiri people their right of self-determination;

Recall that the Security Council has clearly enunciated that, on the basis of the agreement concluded between India and Pakistan, the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Also recall that the United Nations Security Council has declared that the creation of a Constituent Assembly or the holding of any elections in Jammu and Kashmir by the Indian Government would not be a substitute for a fair and impartial plebiscite mandated by the Security Council to determine the will of the people of Kashmir;

Declare that any elections organized by the Indian Government cannot be a substitute for the plebiscite pledged by the United Nations to the people of Jammu and Kashmir;

Strongly oppose the farce of fraudulent elections being imposed by the Indian Government on the people of Jammu and Kashmir;

Express deep concern at the induction of additional troops and deployment of an elaborate apparatus by India to terrorize and coerce the people of Jammu and Kashmir into participating in the Indian-sponsored elections;

Express alarm at the intensified campaign of repression, intimidation and persecution launched against the leaders of the All Parties Hurriyet Conference to quell their opposition to the fraudulent elections;

Condemn the use by India of renegades and mercenaries to harass, persecute and intimidate the people of Kashmir;

Endorse and support the efforts of the Government of Pakistan to find a peaceful solution to the Kashmir issue by all available means;

Resolve that:

(a) The people of Indian-held Kashmir will not participate in any elections held under Indian occupation;

(b) The people of Jammu and Kashmir will continue the struggle for their freedom and the realization of their right to self-determination;

(c) The aspirations of the people of Jammu and Kashmir constitute the sole basis of the final disposition of the Jammu and Kashmir dispute;

Call on:

(a) The OIC Contact Group on Kashmir to impress upon the Indian Government to desist from exacerbating tension in Jammu and Kashmir and between India and Pakistan by staging an electoral farce;

(b) The OIC Contact Group on Kashmir to remind India that the proposed elections in Jammu and Kashmir are in contravention of Security Council resolutions 91 (1951) and 122 (1957), which have clearly affirmed that any action that (the Indian Government) may have taken, or might attempt to take to determine the future shape and affiliation (of Jammu and Kashmir) would not constitute a disposition of the State in terms of these resolutions;

(c) The Organization of the Islamic Conference to renew to the Government of India its offer of sending its fact-finding and good offices missions to Jammu and Kashmir;

(d) The United Nations to hold a plebiscite in Jammu and Kashmir, without further delay, in accordance with Security Council resolutions;

(e) The United Nations Secretary-General to initiate a process of mediation to pave the way for the holding of a plebiscite in Jammu and Kashmir as laid down by the Security Council;

(f) The Security Council to ask India to withdraw its army of occupation from Jammu and Kashmir;

(g) The international community to put pressure on India to give full access to international human rights organizations to visit Jammu and Kashmir;

(h) The Government of Pakistan to continue its efforts for a peaceful solution of the Kashmir issue, keeping in view the sentiments of the Kashmiri people, through all possible means, including a substantive and meaningful dialogue with India;

Appeal to all peace-loving people and nations of the world to help and support the people of Jammu and Kashmir in their struggle for the realization of their right to self-determination promised to them under Security Council resolutions.